

UNITED STATES DISTRICT COURT

for the

Western District of Virginia

APR 14 2015

JULIA C. DUDLEY, CLERK
BY:  DEPUTY CLERK

United States of America)

v.)

CALVIN EUGENE SMITH)

Case No: 7:92cr00102-003

USM No: 03545-084

Date of Previous Judgment: 04/19/1993)

(Use Date of Last Amended Judgment if Applicable))

Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☐ the defendant ☐ the Director of the Bureau of Prisons ☒ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 360 months is reduced to 292 months*.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 42

Amended Offense Level: 40

Criminal History Category: I

Criminal History Category: I

Previous Guideline Range: 360 to life months

Amended Guideline Range: 292 to 365 months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

☒ The reduced sentence is within the amended guideline range.

☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

☐ Other (explain):

III. ADDITIONAL COMMENTS

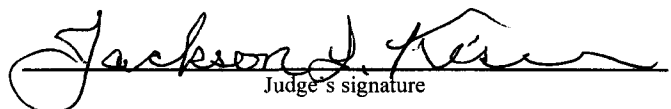
* Defendant's sentence is reduced to 292 months, but not less than time served. Defendant's sentence consists of 292 months on Counts 1 and 2 and 60 months on Counts 4 and 5, all to run concurrently.

Except as provided above, all provisions of the judgment dated 04/19/1993 shall remain in effect.

IT IS SO ORDERED.

Order Date:

4/14/2015



Judge's signature

Effective Date:

11/01/2015

(if different from order date)

Hon. Jackson L. Kiser, Senior U.S. District Judge

Printed name and title